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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Swain W. Porter

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/517,874	PORTER, SWAIN W.	
	Examiner	Art Unit	
	Steven P. Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 30-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The amendment filed 6/06 has been entered.
2. Per applicant request, claims 35-36 have been cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 14-19, 21-23, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nason et al. U.S Patent No. 6,330,010 and Schein et al (6151059).

As per claim 1: Nason discloses a computer system/ method for displaying data as follows:

the computer system having a display device (68) including a primary display surface controllable by an operating system (Fig. 3, 6, 7) and an overscan area not controlled by the operating system (column 2 lines 47-65);

reserving a first portion (30) of the operating system controllable primary display surface for exclusive use by a first program; and rendering contents in the reserved first portion of the primary display surface, by said first program, excluding all other programs from using said reserved first portion of operating system controllable primary display surface (abstract, Fig.2, 7, column 10 lines 45-62, column 15 lines 1-30).

Nason et al do not go into the details of the program not being part of the operating system yet excluding all other programs including the operating system of a reserved portion of the primary display, but do mention efficient control of dedicated regions of the display. Furthermore, Schein et al do have a program outside the operating system which delivers video to a reserved portion of the primary display and excludes all other programs including the operating system from controlling the reserved portion, for efficient control of a dedicated region of the display (Figures 1, 7, 11, 30, column 4 lines 50-60, column 5 lines 25-50, column 7 lines 15-45). It would have been obvious to a person with ordinary skill in the art to have this in Nason et al, because it would allow efficient control of a dedicated region of the display.

Regarding claim 2, in addition to what is recited in claim 1, Nason's window system allows a window manager to switch to a display mode having a smaller pixel configuration "adjusting parameters for said video display system to increase the number of pixels in a dimension of said video display system by a number of pixels less than or equal to a difference between the number of pixels specified in said video mode and a maximum number of pixels which said video display system can effectively display "(col.4 lines 27-39, and tables 1-3, claims 1,11,18).

Regarding claims 3,7-8, in addition to what is recited in claim 2 or 6, respectively, Nason's system discloses the reserving/ unreserving which inherently aborting a responsive request by the window manager to switch to a display mode

having the smaller/ larger pixel configuration "The display is reset to the original resolution, step 126, and the CR registers are reset to their original values" (col.14 lines 10-15, Figs.7,9 tables 1-3).

Regarding claims 4,9, in additional to what is recited in claim 2, Nason's system discloses the reserving further comprises pre-alerting an exclusive-use display area manager of said display mode switch request to said window manager "System resolution messages are received whenever the system or user changes the screen or color resolution" (col.14 lines 9-15).

Regarding claims 5-6, in additional to what is recited in claim 1, Nason's system discloses the reserving/unreserving is performed only if the first/ second event is determined to have occurred, respectively "the overscan interface may be constantly visible or it may toggle between visible and invisible states based upon any of a number of programming parameters (including, but not limited to, the state of the active window, the state of a toggle button, etc.)." (col. 4 lines 6-16).

Regarding claims 10-11, in additional to what is recited in claim 1, Nason windows system "Microsoft Windows environments (including Microsoft Window 95 and derivatives, and Microsoft Windows NT 4.0 and derivatives)" (col.4 lines 27-32) inherently has functions for requesting to change a display mode to a full or normal screen mode and temporarily stop / resume rendering contents in the reserved portion of the operating system controllable display surface when changing the display mode to a full or normal. respectively "Referring now in particular to FIG. 7, upon initialization, at Identify Display Type step 102, the program attempts to determine the display type, and current location in memory used by the display driver, in order to determine the size and

locations of any display modifications to be made, e.g. to the size and location of overscan area(s) to be used ” (col.6 lines 67-67).

Regarding claim 14-15 and 22, these show the same features as claims 2-4 and are rejected for the same reasons.

Regarding claims 16-19, they contain similar features in scope to claims 1-11. Thus, they are rejected under similar rationale.

Regarding claims 21,23, in additional to what is recited in claims 1,16, Nason's system discloses an article of manufacture having a recordable medium having stored thereon a plurality of programming instructions to be executed by a processor (claims 44-55).

Regarding claims 25-28, these show the same features as claims 1, 4, 10, and 11, and are rejected for the same reasons respectively.

Claims 12-13,20, 24, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nason et al. U.S Patent No.6,330,010 and Schein et al and Gould et al. U.S Patent No. 6,583,793.

Regarding claims 12-13,20, 24, 29 in additional to what is recited in claims 1,10, 25, Nason fails to disclose “intercepting all page flipping calls by said application, and forwarding each of said page flipping calls onward only after said first program has updated a back buffer.” However, it was known in art that that page flipping calls onward with a back buffer are associated in the window environment. For example, Gould discloses “page flipping the back buffer to a front buffer after the three dimensional object has been written into the back buffer” (column 3 lines 5-20). Therefore, it would have been obvious to one of ordinary skill in the relevant art at the

time of invention to use Gould's teaching of page flipping, and back buffer teaching with Nason system to effectively and efficiently provides real time integration of three-dimensional objects and live video in GUI environment as Gould suggested (col.3 lines 10-13).

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-

Art Unit: 2174

4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


STEVEN SAX
PRIMARY EXAMINER